

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated January 4, 2010 has been received and its contents carefully reviewed.

Claim 1 is hereby amended. Claims 3-6, 8-9, 11-14, 16-20, 23-28, 31-37 and 40-42 were previously canceled. No claims are added. Accordingly, claims 1, 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 1, 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. *Office Action* at p. 2. Applicants do not necessarily agree with the Office, however, in an effort to advance the application to allowance, Applicants have amended independent claim 1, and request that the Office withdraw the 35 U.S.C. § 101 rejection of claim 1. Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 depend from independent claim 1. It stands to reason that the 35 U.S.C. §101 rejection of those dependent claims should be withdrawn as well.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly claim the subject matter which the Applicants regard as the invention. *Office Action* at p. 4. Applicants do not necessarily agree with the Office, however, in an effort to advance the application to allowance, Applicants have amended independent claim 1 and request that the Office withdraw the 35 U.S.C. § 112, second paragraph rejection of claim 1.

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by “A New Control Protocol for Home Appliances - LnCP” by Lee et al., (hereinafter “*Lee*”). *Office Action* at page 5. Applicants respectfully traverse this rejection and request reconsideration.

Independent claim 1 is allowable over the cited reference in that claim 1 recites a combination of elements including, for example, “a network management sub-layer, and a parameter management layer ... wherein the ... parameter management layer communicates with each of the application layer, the network layer, the data link layer, the physical layer, and the network management sub-layer, the parameter management layer reading and setting a parameter

used in each of the application layer, the network layer, the data link layer and the physical layer, and wherein the network management sub-layer sets and manages, through the parameter management layer, the parameter used in the physical layer without communicating with the application layer, the network layer, and the data link layer.” *Lee* does not disclose, expressly or inherently, at least these features of the claimed invention.

The Office purports that *Lee* discloses “a network management layer ... [in] Fig. 1; a network manager provides users interface to issue commands for controlling and monitoring the electric devices; sec. 2.1” and “a parameter management layer ... in Fig. 1; network manager provides user interface to issue commands for controlling and monitoring the electric devices; sec. 2.1.” *Office Action* at pp. 6-7. Thus the Office has construed *Lee*’s network manager as the “network management layer” and the “parameter management layer” recited in the claims. *Lee* discloses that “[e]ven the LnCP introduce the network management device to interface with user through keyboard and screen, there is no central control device.” *Lee* at p. 287, col. 1, § 2.1. Thus, even if one of ordinary skill in the art construed *Lee*’s network manager as the network management layer” and the “parameter management layer,” as suggested by the Office, *Lee* still fails to disclose, expressly or inherently, “a network management sub-layer, and a parameter management layer ... wherein the ... parameter management layer communicates with each of the application layer, the network layer, the data link layer, the physical layer, and the network management sub-layer, the parameter management layer reading and setting a parameter used in each of the application layer, the network layer, the data link layer and the physical layer, and wherein the network management sub-layer sets and manages, through the parameter management layer, the parameter used in the physical layer without communicating with the application layer, the network layer, and the data link layer,” as recited in independent claim 1.

Further, *Lee* discloses that “[t]he protocol is based on the ISO open Systems Interconnect (OSI) seven layers network protocol model” where the “LnCP layering consists of the Physical Layer, Data Link Layer and Application Layer” where “[e]ach layer follows the divisions established by the OSI standard for protocol tasks.” *Lee* p. 287, col. 2, § 2.2. *Lee* is entirely silent regarding any disclosure, express or inherent, concerning the protocol including “a network management sub-layer, and a parameter management layer ... wherein the ... parameter management layer communicates with each of the application layer, the network layer, the data link layer, the physical layer, and the network management sub-layer, the parameter management layer reading and setting a parameter used in each of the application layer, the network layer, the data link layer and the physical layer, and wherein the network management sub-layer sets and

manages, through the parameter management layer, the parameter used in the physical layer without communicating with the application layer, the network layer, and the data link layer,” as recited in independent claim 1.

The claimed invention provides for many benefits and advantages, for instance, when the network management sub-layer sets and manages the parameter used in the physical layer, the network management sub-layer sets and manages the parameter only through the parameter management layer. Hence, processor usage and the time required for processing is reduced. As stated above, *Lee* is entirely silent regarding a “a network management sub-layer, and a parameter management layer ... wherein the ... parameter management layer communicates with each of the application layer, the network layer, the data link layer, the physical layer, and the network management sub-layer, the parameter management layer reading and setting a parameter used in each of the application layer, the network layer, the data link layer and the physical layer, and wherein the network management sub-layer sets and manages, through the parameter management layer, the parameter used in the physical layer without communicating with the application layer, the network layer, and the data link layer,” as recited in independent claim 1. Thus, *Lee* is not remotely concerned with the benefits and advantages of the invention as mentioned above.

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 102(b) rejection of independent claim 1.

Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* in view of “Towards Dependable Home Networking: An Experience Report” by Wang et al. (hereinafter “*Wang*”). *Office Action* at p. 7. Applicants respectfully traverse the rejection and request reconsideration.

Wang fails to cure the deficiencies of *Lee* with respect to independent claim 1. Indeed, the Office only relied on *Wang* to purportedly disclose “a dependent home network ... wherein the physical layer compris[es] a special protocol for providing an interface with a dependent transmission medium” and “a home networking system, ... using a Living Network Control Protocol LnCp, based on OSI reference model and layer [structure].” *Office Action* at pp. 8-9. Accordingly, none of the cited references, singly or in combination, teaches or suggests “a network management sub-layer, and a parameter management layer ... wherein the ... parameter management layer communicates with each of the application layer, the network layer, the data link layer, the physical layer, and the network management sub-layer, the parameter management

layer reading and setting a parameter used in each of the application layer, the network layer, the data link layer and the physical layer, and wherein the network management sub-layer sets and manages, through the parameter management layer, the parameter used in the physical layer without communicating with the application layer, the network layer, and the data link layer,” as recited in independent claim 1.

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1. Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 depend from independent claim 1. It stands to reason that the 35 U.S.C. § 103(a) rejection of those dependent claims should be withdrawn as well.

CONCLUSION

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

Dated: April 2, 2010

Respectfully submitted,

By /Michael I. Angert/
Michael I. Angert
Registration No.: 46,522
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant